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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,674	12/05/2003	Christopher Cavello	200314581-1	9081
22879	7590	06/08/2009	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400				STERLING, AMY JO
ART UNIT		PAPER NUMBER		
3632				
			NOTIFICATION DATE	DELIVERY MODE
			06/08/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* CHRISTOPHER CAVELLO, PAUL DREW, and MARK RUCH

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Application No. 10/728,674  
Technology Center 3600

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Mailed: June 5, 2009

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Before Deborah L. Perry, *Supervisory Paralegal Specialist, Review Team.*  
Perry, *Supervisory Paralegal Specialist, Review Team.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

**PRIOR ORDER FOR RETURN**

A prior “Order Returning Undocketed Appeal to Examiner” was mailed on March 17, 2006 and September 12, 2007, wherein the Examiner was instructed that corrections were required. A review of the file finds that

the required corrections have not been made. The matters still requiring attention prior to docketing are identified below.

**EXAMINER'S ANSWER, EVIDENCE RELIED UPON**

Section §1207.02 of the *Manual of Patent Examining Procedure* (MPEP) (Eighth Edition, Rev. 6, September 2007) states:

(A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

....

(8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and in the case of nonpatent references, the relevant page or pages.

The Examiner's Answer mailed March 24, 2006, is deficient because the "Evidence Relied Upon" section fails to include the reference(s) Janda (U.S. 3,854,404), Branch (U.S. 2, 264, 128), and Paskiewicz (U.S. 6,467,746) cited on page(s) 3-4 in the Examiner's Answer's grounds of rejection of 1-14 under 35 USC § 102(b) and 103(a).

Appropriate correction is required.

**CONCLUSION**

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

1) to issue a PTO-90 citing the missing references listed under the

Evidence Relied Upon section, paragraph (8); and

2) such further action as may be required.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DPL/alw

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